

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

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PSYBAR, LLC.,

Plaintiff,

**DEFENDANT'S
ANSWER**

-against-

DAVID MAHONY,

Index No. 15-CV-4155

Defendant.
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Defendant, by his attorney, Todd Wengrovsky, for his Answer and Affirmative Defenses, states as follows:

“INTRODUCTION” SECTION OF COMPLAINT

1. Defendant denies each and every allegation of this Paragraph of the Complaint.

“PARTIES AND JURISDICTION” SECTION OF COMPLAINT

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.
3. Defendant admits the allegations of this Paragraph of the Complaint.
4. Defendant admits the allegations of this Paragraph of the Complaint.

“FACTUAL BACKGROUND” SECTION OF COMPLAINT

5. Defendant is without knowledge or information sufficient to form a belief as to whether Plaintiff has been in business since 1995, but admits the remaining allegations contained in this Paragraph of the Complaint.

6. Defendant denies each and every allegation of this Paragraph of the Complaint.

7. Defendant denies each and every allegation of this Paragraph of the Complaint.

8. Defendant admits the allegations of this Paragraph of the Complaint.

9. Defendant denies each and every allegation of this Paragraph of the Complaint.

10. Defendant denies each and every allegation of this Paragraph of the Complaint.

11. Defendant admits the allegations of this Paragraph of the Complaint.

12. Defendant admits the allegations of this Paragraph of the Complaint regarding the TTAB records, but denies the remaining allegations therein.

13. Defendant admits the allegations of this Paragraph of the Complaint.

14. Defendant admits the allegations of this Paragraph of the Complaint.

15. Defendant denies each and every allegation of this Paragraph of the Complaint.

FIRST CAUSE OF ACTION

16. Defendant repeats and incorporates by reference his replies in Paragraphs 1 through 15 herein inclusive.

17. Defendant admits the allegations of this Paragraph of the Complaint.

18. Defendant denies each and every allegation of this Paragraph of the Complaint.

19. Defendant denies each and every allegation of this Paragraph of the Complaint.

20. Defendant admits the allegations of this Paragraph of the Complaint.

21. Defendant denies each and every allegation of this Paragraph of the Complaint.

SECOND CAUSE OF ACTION

22. Defendant repeats and incorporates by reference his replies in Paragraphs 1 through 21 herein inclusive.

23. Defendant denies each and every allegation of this Paragraph of the Complaint.

24. Defendant denies each and every allegation of this Paragraph of the Complaint.

25. Defendant denies each and every allegation of this Paragraph of the Complaint.

THIRD CAUSE OF ACTION

26. Defendant repeats and incorporates by reference his replies in Paragraphs 1 through 25 herein inclusive.

27. Defendant denies each and every allegation of this Paragraph of the Complaint.

28. Defendant denies each and every allegation of this Paragraph of the Complaint.

29. Defendant denies each and every allegation of this Paragraph of the Complaint.

DEFENDANTS' AFFIRMATIVE DEFENSES

Answering further, Defendant raises the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant has not infringed the United States Trademark Registration cited in the Complaint.

THIRD AFFIRMATIVE DEFENSE

Plaintiff is barred from recovery by reason of waiver and/or estoppel.

FOURTH AFFIRMATIVE DEFENSE

Defendant had no knowledge that any of his activities constituted infringement and thus his actions were innocent.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of acquiescence.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

WHEREFORE, Defendant respectfully requests this Court to grant judgment in his favor, order all claims of the complaint dismissed with prejudice, award Defendant all costs, expenses, disbursements and fees incurred herein, including reasonable attorneys' fees, and such other, further and different relief as the Court may deem just and proper.

Dated: Calverton, New York.
October 16, 2015

/s/ Todd Wengrovsky
Todd Wengrovsky - TW4823
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